

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** City Development Department, Planning Division

**AGENDA DATE:** Introduction: March 26, 2013  
Public Hearing: April 16, 2013

**CONTACT PERSON/PHONE:** Michael McElroy, (915) 541-4238, [mcelroyms@elpasotexas.gov](mailto:mcelroyms@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

An Ordinance changing the zoning of a Portion of Lot 1, Wells Park Addition, and a Portion of Tract 20-A, Section 32, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Montana Avenue and West of Joe Battle Boulevard. Property Owner: Trevino Lock and Key Shop/Linda Y. Mohr and Robert J. Melton/Carol Witz Robertson. PZRZ12-00043 (District 5)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Approval Recommendation (5-0)

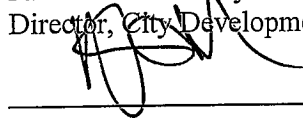
\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Director, City Development Department



**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, WELLS PARK ADDITION, AND A PORTION OF TRACT 20-A, SECTION 32, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *a portion of Lot 1, Wells Park Addition, and a Portion of Tract 20-A, Section 32, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

THE CITY OF EL PASO

ATTEST:

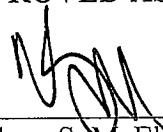
\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Karla M. Nierman  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

## METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Lot 1, Wells Park Subdivision and a portion of Tract 20-A, Section 32, Block 79, Township 2, Texas and Pacific Railway Company Surveys City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

The TRUE POINT OF BEGINNING being a found TX.D.O.T. brass cap stamped "21+00" on the westerly right of way line of Joe Battle Boulevard (Loop 375), as referenced by right of way map Control No. 2552, Sec. 2, sheets 12&13, from which a found TX.D.O.T. Brass stamped "633+21.44" on the westerly right of way line of Joe Battle Blvd. (Loop 375) bears South 02°35'43" East a distance of 1202.12;

Thence along said right of way, South 00°30'44" East (South 02°33'16" West, R.O.W. Map, Control No. 2552, Sec. 2) a distance of 100.00 feet to a fnd. ½" rebar with cap "5152"

Thence along said right of way line, South 02°47'03" East (South 00°16'57" West, R.O.W. Map, Control No. 2552, Sec. 2) a distance of 501.64 feet to a fnd. ½" rebar with cap "5152";

Thence leaving said right of way line, South 89°59'48" West (North 86°56'12" West Vol. 2, Pg. 48) a distance of 84.64 feet to a fnd. ½" rebar with cap "5152";

Thence North 00°32'42" West (North 00°33'00" West Vol. 2, Pg. 48) a distance of 378.53 feet to a fnd. ½" rebar with cap "5152";

Thence, South 89°27'18" West (South 89°27'00" West Vol. 2, Pg. 48) a distance of 300.00 to a fnd. ½" rebar with cap "5152";

Thence, North 00°32'42" West (North 00°33'00" West Vol. 2, Pg. 48) a distance of 274.56 feet to a fnd. ½" rebar with cap "5152" on the southerly right of way line on Montana Avenue;

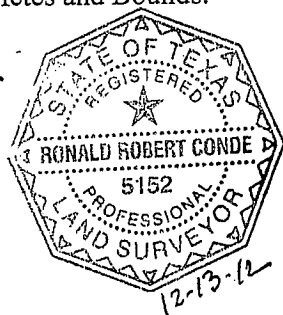
Thence along said right of way line, North 81°15'20" East (North 81°12'00" East Vol. 2, Pg. 48) a distance of 269.39 to a fnd. ½" rebar with cap "5152";

Thence along said right of way line, South 47°47'03" East (South 44°43'03 East, R.O.W. Map, Control No. 2552, Sec. 2) a distance of 134.10 feet to "TRUE POINT OF BEGINNING" and containing 3.0808 acres of land more or less.

Bearing basis is true north for a transverse mercator surface projection as determined by GPS methods centered at the point of beginning.

Plat of even date accompanies this Metes and Bounds.

Ron R. Conde  
R.P.L.S No. 5152



CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283  
FAX (915) 592-0286

## MEMORANDUM

**DATE:** March 14, 2013

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Michael McElroy, Planner

**SUBJECT:** PZRZ12-00043

---

The City Plan Commission (CPC), on February 21, 2013, voted 5-0 to recommend **approval** of rezoning the subject property from R-3 (Residential) to C-1 (Commercial).

The CPC found that the rezoning is in conformance with the Plan El Paso. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the rezoning will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There is no opposition to this request.

**Attachment:**  
Staff Report



## ***City of El Paso – City Plan Commission Staff Report***

**Case No:** PZRZ12-00043  
**Application Type:** Rezoning  
**CPC Hearing Date:** February 21, 2013  
**Staff Planner:** Michael McElroy, 915-541-4238, [mcelroyms@elpasotexas.gov](mailto:mcelroyms@elpasotexas.gov)  
**Location:** South of Montana and West of Joe Battle  
**Legal Description:** Portion of Lot 1, Wells Park Addition, and a Portion of Tract 20-A, Section 32, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas  
**Acreage:** 3.08  
**Rep District:** 5  
**Zoning:** R-3 (Residential)  
**Existing Use:** Vacant  
**Request:** C-1 (Commercial)  
**Proposed Use:** Financial institution  
**Property Owner:** Trevino Lock and Key Shop and John G. Switzer / Linda Y Mohr and Robert J Melton / Carol Witz Robertson  
**Representative:** Conde, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** Fort Bliss Military Reservation  
**South:** R-3 (Residential) / Vacant  
**East:** C-4/c (Commercial/Condition) / Commercial retail  
**West:** C-3/c (Commercial/Condition) & P-R 2/c (Planned Residential II/Condition) / Apartments & Single-family homes, respectively

**Plan El Paso Designation:** G3 Postwar (East)  
**Nearest Park:** Hueco Mountain Park (5,684 ft.)  
**Nearest School:** Jane A. Hambric Elementary (5,862 ft.)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association, Las Tierras Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notices of the February 21, 2013 public hearing were mailed to all property owners within 300 feet of the subject property on February 6, 2013. The Planning Division received no communications in support or opposition to the request.

### **APPLICATION DESCRIPTION**

The applicant is requesting a rezoning of the subject property to from R-3 (Residential) to C-1 (Commercial) to permit the construction of a financial institution.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the property from R-3 (Residential) to C-1 (Commercial) as the applicant's request is compatible with the surrounding land use and the future land use map.

### **Plan El Paso- Future Land Use Map Designation**

All applications for rezoning shall demonstrate compliance with the following criteria:

G-3 – Post-war: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-1 (Neighborhood Commercial District) district is to provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

**COMMENTS:**

**City Development Department - Planning Division - Transportation**

No objection

Notes:

1. The proposed rezoning is located along the Montana Rapid Transit System (RTS) corridor. Location and arrangement of bus stops and/o bus pull in bays shall be coordinated and approved by Sun Metro.
2. Access to Montana and Joe Battle shall be coordinated and approved by TxDOT.
3. All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

**City Development Department – Building Permits & Inspections Division**

No Objection

No landscape calculations provided; Landscape shall be required when applying for building permit.

**City Development Department – Land Development Division**

No Objection. Grading plan and permit shall be required.\* Storm Water Pollution Prevention Plan and/or permit required.\* Drainage plans must be approved by the City Development Dept. Land Development Section.\* \* This requirement will be applied at the time of development.

**El Paso Fire Department**

Recommend approval of “site plan” as presented. Does not adversely affect fire department at this time. \*\*  
Note, A more detailed reviewed will be done by fire plan review during the permitting process.

**El Paso Water Utilities**

1. EPWU does not object to this request.

2. Water and sanitary sewer main extensions are required to provide service to the subject property.

3. During the site improvement work, the Owner/Developer shall safeguard all the existing water mains and appurtenant structures within the property. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities and is responsible for the cost of setting appurtenant structures to final grade.

4. The Developer shall refrain from constructing parking stalls, rock walls, signs, or any structure that will interfere with the access to the PSB easements.

**Water:**

5. There is an existing 24-inch diameter water transmission main along Montana Avenue fronting the subject property. This 24-inch diameter water main continues in a southeast direction along the 25-foot PSB easement located on the eastern side of the subdivision. There is an existing 48-inch diameter water transmission main that connect to the above described 24-inch diameter water main that continues south

along the existing 25-foot PSB easement. No direct service connections are allowed to the described transmission mains as per the El Paso Water Utilities - Public Service Board Rules and Regulations.

6. There is an existing 12-inch diameter water main within an easement south of and parallel to Montana Avenue that dead-ends at the western right-of-way line of Sharon Drive.

7. A water main extension within a dedicated easement is required along the Montana Avenue and Joe Battle frontages from the existing 12-inch diameter water main. The Owner/Developer is responsible for all extension costs.

**Sewer:**

8. There is an existing 12-inch diameter sewer force main along Sharon Drive that extends from Montana Avenue to the intersection of Michael Drive and Sharon Drive. No service connections are allowed to this main.

9. There is an existing 18-inch diameter gravity sewer main along Michael Drive that dead-ends in the manhole located at the Michael Drive and Sharon Drive. No direct service connections are allowed to this sewer main as per the El Paso Water Utilities - Public Service Board Rules and Regulations.

10. Also, There is an existing 8-inch diameter sewer main within an easement south of and parallel to Montana Avenue that dead-ends at the western right-of-way line of Sharon Drive.

11. A sanitary sewer main extension is required from the subject property to one of the above described sewer mains. A sewer main extension is also required along the Joe Battle Frontage. The Owner/Developer is responsible for all extension costs.

**General:**

12. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

13. EPWU-PSB requires a new service application to serve the subdivision. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities - Public Service Board (EPWU-PSB) Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

**Attachments:**

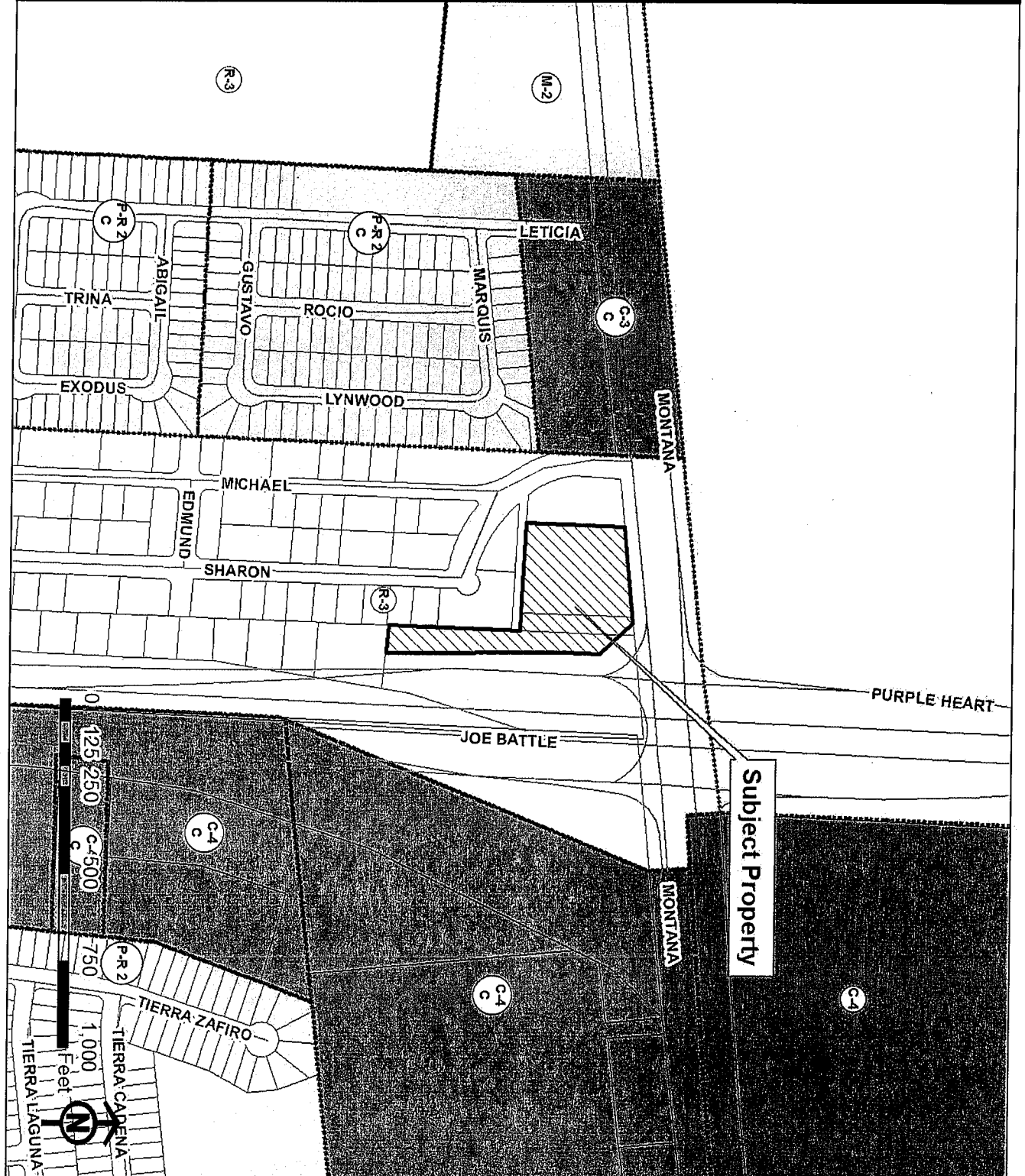
Attachment 1: Zoning Map

Attachment 2: Aerial Map

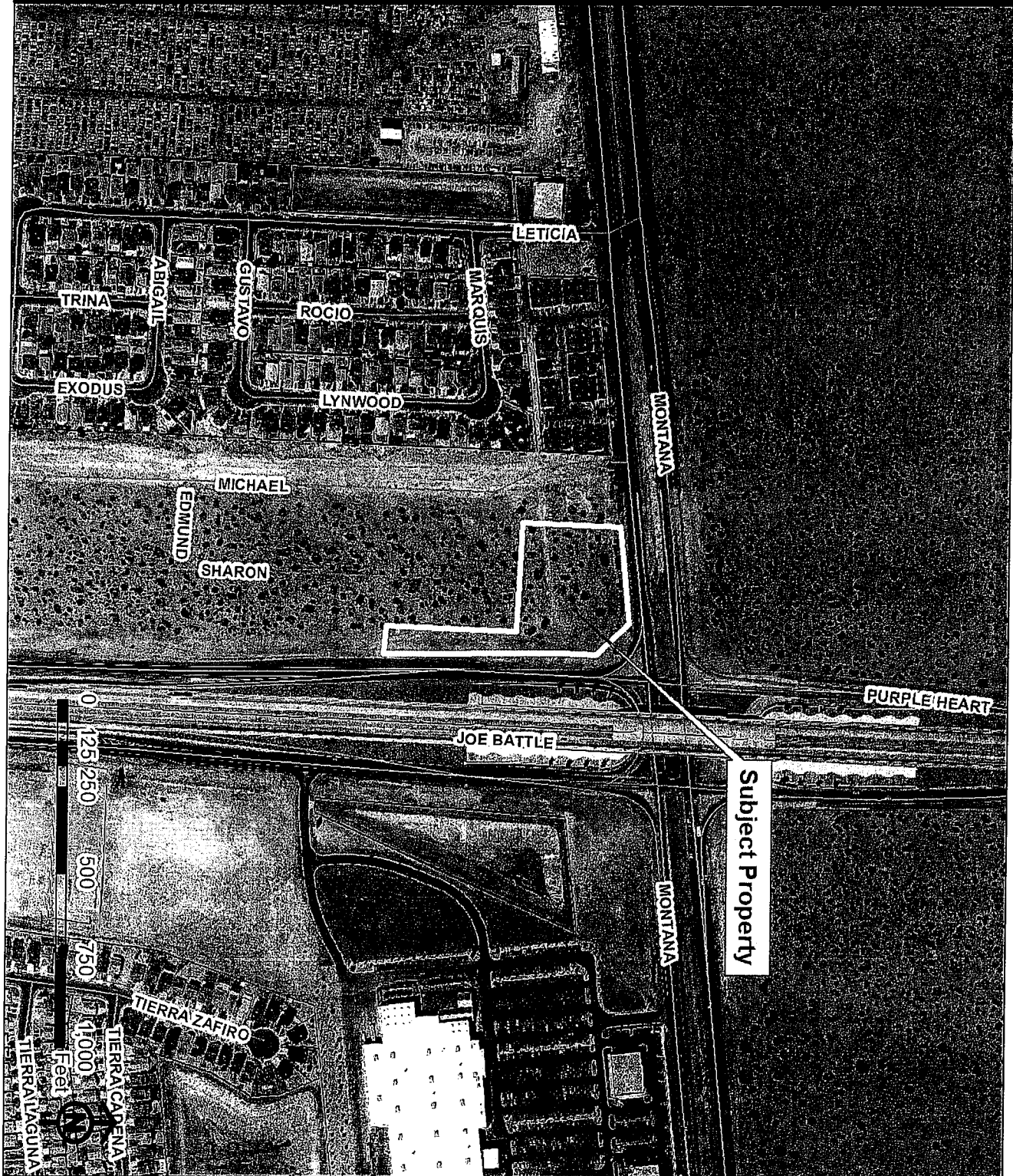
Attachment 3: Conceptual Site Plan



PZRZ12-00043



PZRZ12-00043



# ATTACHMENT 3: CONCEPTUAL SITE PLAN

